

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268

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In the Matter of:

Waverly, WA 99039  
Post Office State ZIP Code

Docket No:

POSTAL REGULATORY  
COMMISSION  
OFFICE OF THE SECRETARY  
A2012-49

Kim Billington, Petitioner(s)

## PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the Waverly, WA post office. The Final Determination was posted 10/05/2011.  
(date)

2. In accordance with applicable law, 39 U.S.C. § 404(d)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

Petitioner filed an appeal / petition for review of the Postal Service's  
Final Determination to Close the Waverly, WA Post Office  
(Docket Number 1386705-99039) posted on 10/05/2011.

This statement is submitted in support of that petition.

Petitioner maintains that: 1) The Postal Service's determination concerning the Waverly Post Office is arbitrary, capricious and an abuse of discretion. 2) This determination is not supported by substantial evidence in the record. 3) This determination was made without observance of procedure required by law.

Please see attached statement.

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268

In the Matter of:  
Waverly Post Office  
Waverly, WA 99039

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Docket No: A2012-49

Petitioner:  
Kim Billington  
Waverly Town Council

PARTICIPANT STATEMENT

**The Postal Service did not follow the procedure required by law** in the U.S. Code Title 39 Section 404(d) (2) The Postal Service, in making a determination whether or not to close or consolidate a post office—(A) shall consider – This code then goes on to state all of the things that the Postal Service shall consider and the procedures for doing so. These procedures were established to ensure that the Postal Service would carefully consider each post office individually before making a determination.

It is a widely known fact that the Postal Service is in the process of closing thousands of small post offices. The Postal Service has turned the procedures for considering each post office individually into a computerized check list of forms and dates, and has begun a mass production assembly line style of closings. In doing so, the Postal Service has completely ignored the meaning and reasoning of these laws and is not giving due consideration to any of these post offices.

If the Postal Service were following the procedure required by law, The Waverly Post Office and the surrounding community would have to be considered before any determination could be made. In order for the Postal Service to give due consideration to The Waverly Post Office, the Postal Service would have to gather factual information.

The Postal Service would need facts regarding The Waverly Post Office, The Town of Waverly and the surrounding community in order to give any consideration to this matter. The Postal Service did not do this.

**The facts relied on by the Postal Service have not been established.** The Postal Service used a Community Survey Sheet dated 05/31/2001 (United States Postal Service Notice of Filing Corrected Administrative Record 11/29/2011)(Item No. 16) (attached) to establish the facts about the Waverly community. This sheet has only six questions that the Postal Service must answer. That the Postal Service could consider the Town of Waverly based on only six questions is improbable, but what is even more ridiculous is that the Postal Service only answered one of the six questions correctly.

Questions:

1. Regarding government, police, fire, and school.

Answered correctly

2. What population growth is expected? (Please document your source)

Answer: No growth is expected.

3. What residential, commercial, or business growth is expected?

(Please document your source)

Answer: No growth is expected.

The answers to questions two and three are incorrect and undocumented.

In fact: There have been new homes built this year for new families and old homes remodeled for new families. There are current building permits issued for more new homes and families, and there is a vacant commercial building being remodeled for a new business.

4. History

Answer: In the late 1800s and early 1900s Waverly was a bustling community for sugar beet production. Since the closure of the factories there has not been any commercial development.

The first part of this answer would seem well researched, except that it came straight from a paper titled "The History of Waverly" handed to Post Office officials at the

community meeting held on 5/18/11. The second part of this answer is false, as there are businesses in newer buildings in the Town of Waverly.

5. What is the geographic/economic make-up of the community?

Answer: This community is mostly comprised of retirees. There is no employment available in town. Those who commute for work travel approximately 28 miles to Spokane. There are no churches or businesses in town.

The answer to this question is four sentences, all of which are false.

The Town of Waverly has an average population of retirees, empty nesters, single people and lots of families with all ages of children. There are at least a dozen businesses in the town and quite a few farming businesses in the community that have post office boxes in the Waverly Post Office, which the Postal Service should be aware of. Of these businesses, some do provide employment and have employees that commute into the Town of Waverly and some are home businesses. The people that live in the Town of Waverly and commute to work elsewhere go all different directions, some to Spokane, some to Idaho, some go to nearby farms, some go to other small towns, and we have quite a few teachers and school employees that live in the Town of Waverly and commute to Liberty School.

6. Which nonpostal services are provided by the Post Office?

What provisions can be made for these services if the Post Office is discontinued?

Answer: There is a community bulletin board in the outer hallway.

This answer includes only one of the many non-postal services provided at the Waverly Post Office and provides no provisions for replacement. The Waverly Post Office does have a community bulletin board, it also is the only place in town that serves as a government form distribution center, and because we vote by mail, it would also be considered our voting place. Most importantly, the Postmaster of the Waverly Post Office provides mailing assistance to the elderly and disabled people in town.

The Postal Service was required to answer six questions about the Town of Waverly in order to establish factual information for consideration. No Postal Officials came to any town council meetings or tried to contact the town clerk, the mayor or any

town officials in order to get this information. The Town of Waverly did send a letter to the Postal Service on 5/9/11 (Item 22, Page 45A) opposing the post office closing and including the phone number for the Town of Waverly as well as the town clerk's cell phone number, offering to provide information. The Postal Service did not call to ask any of these questions at that time. Postal Officials were in the Town of Waverly on 5/18/11 to hold the community meeting regarding the Waverly Post Office, which was attended by the Mayor of Waverly, the town clerk and several council members. The Postal Officials did not ask any of these questions at that time. It would appear that the Postal Service was not concerned with gathering factual information about the Town of Waverly.

The Postal Service did have the opportunity to correct the erroneous statements concerning the Town of Waverly, if only they had been giving due consideration to the many comments, questions and concerns of the people in our community.

The first opportunity would have been the Postal Customer Questionnaires sent 5/2/11 (Item 22, Pages 1A through 45A) requesting customer comments. There were forty-five questionnaires and letters returned, none favorable, most stating the adverse effect this closure would have on the Town of Waverly. Many of the comments and statements mentioned items that would have pertained to the facts that the Postal Service neglected to gather, such as businesses, commuting, families and children, elderly and disabled. It would appear that the Postal Service did not consider the comments which it had requested, as the Postal Service did not use any of that information to answer the questions regarding the Town of Waverly.

The second opportunity for the Postal Service to collect facts or correct false statements would have been at the community meeting held on 5/18/11. As stated previously, many town officials were present at this meeting. The questions, comments, and concerns from the people in our community mentioned all of the same facts and the adverse effect this closure would have on the Town of Waverly. The Petition Against the Proposed Closure of the Waverly Post Office (Item 27, Pages 2 through 16) was presented to the Postal Officials at that meeting. That petition mentions facts that the Postal Service was to have gathered regarding businesses, as well as residential and commercial growth.

Still, the Postal Service made no attempt to collect any factual information or to use any of the information given to answer the questions regarding the Town of Waverly.

After the community meeting the Postal Service posted the Proposal to Close the Waverly, WA Post Office (Item 31, Pages 1 through 6) with an Invitation for Comments on 6/6/11. In this proposal, the Postal Service continued to use all of the erroneous statements with no corrections.

Once this proposal and invitation was posted, the people of our community continued to send postcards and letters to the Postal Service, as did our state senator, our congresswoman, and our state representatives (Item 38, Pages 1 through 83C). These seventy-six letters and cards all state opposition to the closure, many state the adverse effect that this closure would have on our community, and again many references are made to facts that the Postal Service should have had about the Town of Waverly. The letter that I sent to the Postal Service at that time (Item 38, Page 49A-B) (attached) stated my concern that the Town of Waverly was not being properly considered and that the Postal Service had false and inaccurate information. The Postal Service did respond to that letter, but the response letter (attached) was the standard form letter used by the Postal Service with one fill in the blank answer that may or may not address one of the topics of your letter.

After this comment period the Postal Service posted the Final Determination to Close the Waverly, WA Post Office (Item 41, Pages 2 through 7) on 10/5/11. In this determination the Postal Service continued to use the same erroneous statements about the Town of Waverly with no corrections made.

The facts relied on by the Postal Service were never established.

**The Postal Service did not consider certain issues it is required to consider:  
The economic savings to the Postal Service (Item 41, Page 7)**

Because the Postmaster will be reassigned, he will still continue to receive a salary and benefits in another position, so those amounts cannot be calculated as a cost or savings toward this post office. The annual lease cost for this post office is \$4200. The estimated cost for replacement services is \$10,067 which is more than double the current

lease. According to the figures provided by the Postal Service, it will actually cost \$5,866 more each year to close the Waverly Post Office than to keep it open.

**The effect of such closing on the community (Items 22, 27, and 30)**

In all of the comments, letters and cards from our community, the message to the Postal Service was that we are opposed to closing the Waverly Post Office and why it would have an adverse effect on the Town of Waverly and our community. It appears that the Postal Service did not consider any of these facts or comments. The Postal Service responded to all of the letters and cards with the same standard form letter with one fill in the blank answer that may or may not address one of the topics of the letter. This lack of consideration is further evidenced in the final determination and in the section regarding advantages of the proposal (Item 41, Page 6). This section names six advantages of closing our post office. Five of the six advantages list what we already have, such as 24-hour access to secure, no-fee post office boxes within walking distance of our homes. It also states as an advantage that this might alleviate the need to go to the post office. That one line speaks clearly that our comments were not considered, because all of that communication stated repeatedly how much we appreciate our post office and enjoy going there on a daily basis.

**Providing a maximum degree of postal services**

The Postal Service first states (Item 21, Page 2) that we will use will call, and then change to street addresses with rural boxes or rent p.o. boxes at another post office. The Postal Service then states (Item 33, Page 6 and Item 41, Page 7) an expense of \$12000 to purchase and install CBUs for the Town of Waverly. No information is provided on when installation would occur, how maintenance issues would be handled or where this unit could be located or how the property would be procured by the Postal Service.

The amount of postal service proposed for the people in and around the Town of Waverly is debatable. That is due to the fact that when the Postal Service is questioned on services, the answers (Items 22, 25 and 38) alternate between these three different types of service, post office boxes or CBUs or individual rural boxes, in order to give a favorable response to each question, but with no definitive answer.

The maximum degree of postal service would obviously be that which a customer receives at their local post office: For the customer to safely walk or drive to the location, pick up any incoming mail delivered that day, including any size parcel and items that might need a signature, drop off out going mail, including any that might need to be postmarked that date or weighed for additional postage, in a single visit.

None of the options offered by the Postal Service will provide that maximum degree of postal service to our community, as the Waverly Post Office does.

**The Waverly Post Office should not have been considered for closure**, as it does not meet any of the permissible circumstances. The Postal Service states the reason for consideration (Item 33, Page 2) to be that the lease amount is above fair market value. As stated, the annual lease amount for the Waverly Post Office is \$4200. That is an all inclusive amount, which includes: utilities, garbage service, repairs and maintenance, seasonal leaf removal and snow removal. This is a store front office, on the main street in town, with new sidewalks and ample free parking at the front door. The cost for this office breaks down to \$350 per month. That is not above fair market value, and is actually a remarkable price.

**The Postal Service did not follow the procedure required by law** in the U.S. Code Title 39 Section 404(d) (2) The Postal Service, in making a determination whether or not to close or consolidate a post office—(A) shall consider –

The Postal Service failed to gather accurate facts regarding the Waverly Post Office, the Town of Waverly and the surrounding community.

The Postal Service failed to consider facts presented by the Waverly Community.

In failing to gather or consider facts regarding the Waverly Community, the Postal Service did not give due consideration to the Waverly Post Office or any of the items it was to have considered. This includes the economics, the effect on the community, and providing a maximum degree of postal service to our community.

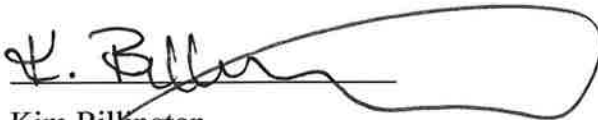
The Postal Service did not consider the Waverly Post Office individually, as it is required to do by law.



The Postal Service's determination concerning the Waverly Post Office is arbitrary, capricious and an abuse of discretion. This determination is not supported by substantial evidence and was made without observance of procedure required by law.

**The Postal Service's Final Determination to Close the Waverly, WA Post Office should be reversed and returned for further consideration.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Billington", with a large, loopy flourish extending to the right.

Kim Billington  
P.O. Box 43  
Waverly, WA 99039  
Tel: (509) 283-4102  
Fax:(509) 283-4139

A2012-49

## Community Survey Sheet

## Community Survey Sheet

Post Office Name	<u>WAVERLY</u>	ZIP+4	<u>99039-9998</u>
Congressional District	<u>WA05</u>	Date	<u>05/31/2011</u>

1. Incorporated?

☒ Yes ☐ No

Local government provided by:

Mayor Council

Police protection provided by:

Spokane County Sheriff

Fire protection provided by:

Volunteer

School location:

Liberty

2. What population growth is expected? (Please document your source)

No growth is expected.

3. What residential, commercial, or business growth is expected? (Please document your source)

No growth is expected.

History. (Are there any special historical events related to the community?)

Are there any special community events to consider?

4. Is the Post Office facility a state or national historic landmark (see ASM 515.23)?

Check with the field real estate office when verification is needed.)

In the late 1800s and early 1900s Waverly was a bustling community for sugar beet production. Since the closure of the factories there has has not been any commercial development.

5. What is the geographic/economic make-up of the community (e.g., retirees, commuters, self-employed, farmers)?

This community is mostly comprised of retirees. There is no employment available in town. Those who commute for work travel approximately 28 miles to Spokane. There are no churches or businesses in town.

Which nonpostal services are provided by the Post Office (e.g., public bulletin board, school bus stop, community meeting location, voting place, government form distribution center.

6. Do employees of the office offer assistance to senior citizens and handicapped)?

What provisions can be made for these services if the Post Office is discontinued?

There is a community bulletin board in the outer hallway.

**Kim Billington**  
**P.O. Box 43**  
**Waverly, WA 99039**

July 27, 2011

Doreen Karoly  
C.S.D.C.  
PO Box 90409  
Seattle, WA 98109

RE: PROPOSAL TO CLOSE THE WAVERLY, WA POST OFFICE

Dear Ms. Karoly;

It does not seem that the Town of Waverly is being considered individually in this Proposal. The customer information is inaccurate, the estimated savings do not add up, the facts about Waverly are false, and no reason is given as to why our post office should be closed.

Waverly is a very small town with only three buildings and a park on the main street. One building serves as the town office and volunteer fire department (it is staffed for two hours twice a week), the second building is vacant, and the third building is the post office. The Waverly Post Office is the only building open during business hours on a daily basis. The post office and the park constitute our downtown. To close the Waverly Post Office would be to close the Town of Waverly, as our main street would sit empty. This would have a devastating effect on the people of our town.

This Proposal states the annual cost to run the Waverly Post Office is \$48,479. That figure includes the building lease and the Postmaster's salary and benefits. It states on that same page that the Postmaster would be reassigned, so the Postal Service would still be paying his salary. The only actual savings for closing the Waverly Post Office would be the \$4200 per year lease. This Proposal further states that the cost for replacement service, to have Waverly on a rural route would be \$5863 annually. That would be \$1663 more than the current lease, but the Postal Service did an Addendum to the Proposal to Close. The Addendum states that the real cost for this replacement service would be \$10,066. So it will actually cost the Postal Service \$5,866 more each year to close the Waverly Post Office and put the town on a rural route.

The Waverly Post Office has been in the same building for 55 years. The building is in good condition and has a current renewable lease with the Postal Service, and we have our own Postmaster. The Town of Waverly and the surrounding area continue to grow, as evidenced in this Proposal that the revenue for the Waverly Post Office actually increased last year.

Closing the Waverly Post Office would be devastating to the town, would cost more, and would not be in accordance with the Postal Regulations.

Sincerely,

  
Kim Billington

A 2012-49



08/17/2011

KIM BILLINGTON

P.O. BOX 43  
, WAVERLY WA 99039

Dear Postal Service Customer:

Thank you for taking the time to submit your comments to the proposal to close the Waverly Post Office. Your comments are appreciated and will be carefully considered, along with the comments of other customers, as the matter is reviewed further in my office and at higher levels of the Postal Service.

In response to your letter:

- You expressed a concern about the cost savings obtained by the Postal Service from the closure of Post Offices. The Postal Service has developed and begun implementing a range of cost-reducing initiatives. These include: consolidating operations, adjusting delivery routes, restructuring administrative and processing functions and closing district offices. We also have introduced several new products and services, including Priority Mail Flat Rate boxes and Adult Signature service, in an effort to grow revenue.

I realize with change there is always concern. However we are confident that the alternate service listed in the proposal will continue to provide you with effective and regular service.

If you have additional questions or comments, please feel free to contact Doreen Karoly at (206) 442-6171.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Jenkins".

Elizabeth Jenkins  
Manager, Post Office Operations  
415 First Ave N  
Seattle, WA, 98109-9998